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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,988	10/22/2001	Yoshiyuki Maki	2018-460	7816
23117	7590	07/19/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/982,988

**Applicant(s)**

MAKI ET AL.

**Examiner**

Brian J. Broadhead

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. Applicant mentions in his remarks filed 6-4-2004 that document JP 62-291 537 has not been considered. Attached to the office action mailed 2-4-2004 was a copy of the PTO-1449 with reference initialed, hence the reference has been considered.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al., EP0987423 A2, in view of Kubo et al., 6442458.

3. As per claims 1, 7, 8, 9, 10, 11, 14, 20, 21, 22, 23, 24 and 27-34, Shimizu et al. disclose at least one malfunction-information storage object(100) that specifies a control instruction for instructing control operation of the at least one MIL with respect to malfunction information of said each at least one diagnosis target based on said malfunction information of said each one of said at least one diagnosis target, and said malfunction information of said each one of said at least one diagnosis target being determined based on the result of the malfunction detection operation(200) of said each one of said at least one diagnosis target in view of a level of malfunction of said each one of said at least one diagnosis target; a malfunction-information managing object(300) that carries out adjustment of the control instruction of said at least one MIL

specified by said at least one malfunction- information storing object based on the malfunction information of said each one of said at least one diagnosis target and outputs MIL information specifies said control instruction of said at least one MIL based on said relationship information.

4. Shimizu et al. do not disclose said selected condition being one of the following possible conditions: lighting-on, flashing, and lighting-off; the malfunction detection operation of each one of said at least one diagnosis target is categorized into at least three levels, which include normal, temporarily abnormal, and abnormal. Kubo et al. teach said selected condition being one of the following possible conditions: lighting-on, flashing, and lighting-off on lines 65, on column 3, through line 3, on column 4; the malfunction detection operation of each one of said at least one diagnosis target is categorized into at least three levels, which include normal, temporarily abnormal, and abnormal on lines 1-31, on column 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the indicators and three levels of Kubo et al. in the invention of Shimizu et al. because such modification would provide for indicating if the diagnosis has been completed or not as stated on lines 34-35, on column 8, of Kubo et al.

5. As per claims 2 and 15, Shimizu et al. disclose said at least one malfunction- information storing object stores said malfunction information of said each one of said at least one diagnosis target(110); and said malfunction-information managing object commands said at least one malfunction-information storing object to store said malfunction information of said each one of said at least one diagnosis target based on

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the result of said malfunction detection operation of said each one of said at least one diagnosis target(S905).

6. As per claims 3 and 16, Shimizu et al. disclose each one of said at least one malfunction-information storing object is prepared for each corresponding one of said at least one diagnosis target or is prepared for each corresponding one of at least one malfunction check item that corresponds to said at least one diagnosis target, respectively, on lines 45-47, on column 11.

7. As per claims 4 and 17, Shimizu et al. disclose said at least one malfunction-information storage object stores relationship information indicative of relationship between said malfunction information and said control instruction on lines 20-42, on column 9; and said at least one malfunction-information storing object specifies said control instruction of said at least one MIL based on said relationship information on lines 20-42, on column 9.

8. As per claims 5 and 18, Shimizu et al. disclose wherein said at least one malfunction-information storing object specifies said control instruction based on said malfunction information of said each one of said at least one diagnosis target when a request for retrieving said control instruction is received from said malfunction-information managing object on lines 5-30, on column 10.

9. As per claims 6 and 19, Shimizu et al. disclose said control instruction is selected from a plurality of control instructions having different predetermined priority levels in figure 16; and said malfunction-information managing object outputs one of said control instructions having a highest priority level as MIL information in figure 16.

10. As per claims 12, 13, 25, and 26, Shimizu et al. disclose a MIL controlling object for controlling said at least one MIL based on said MIL information outputted from said malfunction-information managing object in figure 3.

11. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. Kubo et al. disclose the on, off, and blinking states.

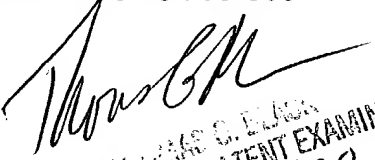
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3600